

Remarks

Claims 1 – 16 were pending and stand rejected. By way of this amendment Claims 1, 6, 8, and 16 have been amended. Claims 2 – 5, 7, 10, and 13 have been canceled. New Claim 17 has been added. No new subject matter has been added by the amendment. Reconsideration is respectfully requested in view of the above amendments and the following remarks.

Claims 1 – 16 were rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement. The Examiner contended that the term “cyanobacteria algae” is not defined or described in the specification. Without acquiescing to the position of the Examiner, applicants submit that this rejection has been rendered moot by the current amendment, which deletes the term “cyanobacteria algae” from the claims. Thus, applicants request that this rejection be withdrawn.

Claims 1 – 5, 10 – 12, and 16 were rejected under 35 USC 102(b) as being anticipated by Fourth Seminar of Algae Control Research Group. Moreover, Claims 1 -5, 10, 11, and 16 were rejected under 35 USC 102(b) as being anticipated by Fausey. Further, Claims 1, 5 – 9, 11 – 14, and 16 were rejected under 35 USC 103(b) as being unpatentable over Unhoch et al. Finally, Claims 14 and 15 were rejected under 35 USC 103(a) as being unpatentable over Fourth Seminar of Algae Control Research Group, Fausey or Unhoch et al., in view of Koehler. Applicants appreciate the Examiner’s indication that the prior art does not teach or suggest controlling *Bryum argenteum* with carfentrazone ethyl in golf courses.

Thus, without acquiescing to the Examiner’s positions rejecting the claims as set forth in the Office Action, applicants have amended the claims to claim the use of carfentrazone ethyl (or metabolites thereof) to control *Bryum argenteum* in golf courses, and to a composition comprising carfentrazone ethyl (or metabolites thereof) suitable for controlling *Bryum argenteum* in golf courses. Since the Examiner has already indicated that such subject matter is neither disclosed nor suggested by the prior art, applicants submit that the amended claims are allowable.

In view of the above amendments and remarks, applicants request that the Examiner issue a favorable action on the merits indicating that Claims 1, 6, 8, 9, 11, 12, and 14 – 17 are allowable.

Should the Office have any questions, the Office is invited to telephone applicants' undersigned representative.

Respectfully submitted,

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